IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

NOTICE OF MOTION NO. 1710 OF 2007
IN
NOTICE OF MOTION NO. 2836 OF 2005
IN
SUIT NO. 1673 OF 2005

Singasane And Co..... ....Plaintiff.
V/s
Anuvighyam Coop. Hsg. Soc. Ltd. & Ors. ....Defendants.

None for the plaintiff.

Mr.O.S.Kutty, Adv. For the defendant in support.

CORAM: A.P.DESHPANDE, J.
21/4/08

PC:

Heard counsel for the defendants.

By this notice of motion a prayer is made for restoration of the Notice of Motion No.2836/05 which came to be dismissed for non prosecution by an order passed by Justice D.G.Karnik on 16.4.07. It is stated that the case was fixed on the board of Justice D.K.Deshmukh at Sr.No.112 on 16.4.07. By about 2 O' Clock Sr.No.27 was being heard by Justice D.J.Deshmukh. However matters from Sr.No.96 onwards came to be transferred to the bench presided over by Justice Karnik. Counsel for the defendants was unaware of the said

arrangement made in the second session and thus could not remain present when the matter was called out and came to be dismissed for non prosecution. It is submitted that the absence of the counsel was bonafide and thus a prayer for restoration is made. Plaintiff and his counsel though served with copy of notice of motion has remained absent. Hence notice of motion is allowed. Notice of Motion No.2836 of 2005 is restored to file. List the Motion in the week commencing from 28.4.2008.

21.4.08